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Sunday, March 13, 2005

[E-mail this story to a friend](#)WASHINGTON POLITICS: *Bart Jansen***Blocking the tailpipe aimed at Maine**

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The winds of change are blowing away pollution rules. Nobody's happy.

Regulatory action last week was meant to reduce smog - a day after legislative inaction. Another big decision is expected within days on mercury. But the overall results remain unclear, and the courts may still be asked to set standards when the smoke clears.

The action was that the Environmental Protection Agency agreed Thursday to curb smog and soot in 28 eastern states including Maine.

The rule, which targets coal-burning power plants, caps smog-forming nitrogen oxide emissions at 1.3 million tons by 2015 and soot-forming sulfur dioxide at 2.5 million tons. Those figures represent a 61 percent reduction in nitrogen oxide and 73 percent reduction in sulfur dioxide from 2003 levels.

The EPA projects that the rule will save 17,000 premature deaths each year and 700,000 cases annually of bronchitis, asthma and other respiratory ailments. Maine, where most of the pollution blows in from Midwest power plants, has one of the highest asthma rates in the country.

The rule "will result in the largest pollution reductions and health benefits of any air rule in more than a decade," said Stephen Johnson, the EPA's acting administrator.

Utility industry lobbyists expect possible legal challenges to the rule, which they are still studying. But the industry would prefer

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the government to set standards, rather than leave generators open to the uncertainty of lawsuits under the Clean Air Act.

SOME GOOD, SOME BAD

The rule was sort of a mixed bag for environmentalists.

Sen. James Jeffords, I-Vt., a top minority member on the Senate Environment and Public Works Committee, said the Clean Air Act would have required significantly greater reductions from the country's oldest and dirtiest power plants than the new rule requires.

"Regrettably, now the states will have to pick up the slack," he said.

"The rule didn't go far enough, fast enough to reduce pollution, but it's a step in the right direction," said Susan Sargent, the Maine spokeswoman for the National Environmental Trust.

Rep. Tom Allen, D-Maine, a member of the House Energy and Commerce Committee, praised the EPA for reducing downwind pollution from power plants.

"I hope that EPA's action, which will reduce pollution more quickly than President Bush's misnamed 'Clear Skies' proposal will finally put to bed any congressional interest in passing the president's proposed repeal of significant sections of the Clean Air Act," Allen said.

"Clear Skies" ran into stormy weather Wednesday when the Environment and Public Works Committee was unable to send the bill to the floor due to a deadlocked 9-9 vote. The vote, which was postponed twice at the behest of White House lobbyists, might have effectively killed the legislation.

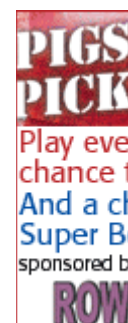
Sen. George Voinovich, R-Ohio, a prime supporter of the bill, suggested he wasn't interested in working on the legislation any more if Democrats wouldn't negotiate. Committee Chairman Sen. James Inhofe, R-Okla., strongly supports the president's Clear Skies initiative and calls global warming a hoax.

But Sen. Lincoln Chafee, R-R.I., sided with committee Democrats in refusing to budge on the legislation criticized for weakening federal requirements. The bill would allow twice as much sulfur dioxide and one-and-a-half times as much nitrogen oxide as the Clean Air Act allows, according to environmentalists.

"Today, senators on both sides of the aisle stood up for the American people against a corporate scheme to weaken federal law and delay the day we all can enjoy breathing clean air," said John Walke, a senior attorney for the advocacy group Natural Resources Defense Council.

BOUNCED TO THE NEXT COMMITTEE

Maine



But wait. Energy Committee Chairman Pete Domenici, R-N.M., said he might add Clear Skies to long-stalled energy legislation in order to circumvent the other committee.

The debate won't dissipate because coal-burning power plants generate half the country's electricity. Thomas Kuhn, president of the industry group Edison Electric Institute, said the certainty of legislation would improve power plants faster and more cost-effectively.

Jack Gerard, president of the National Mining Association, called the environment committee's vote "deeply disappointing" and warned it could lead to job losses. Bryan Brendle, director of air quality for the National Association of Manufacturers, said "obstructionism ultimately trumped reason."

Meanwhile, another big regulatory move is expected within days: the EPA's first rules for reducing mercury pollution.

Mercury, which hurts brain development, has long been a health concern in Maine and sparked warnings against pregnant women eating too much fish from rivers and lakes.

A study released Tuesday by the BioDiversity Research Institute in Gorham found that mercury deposited in the Northeast is higher than EPA estimates, and that it was unexpectedly found in mountain songbirds rather than just fish.

"Until now, we thought that mercury could only be found in its toxic form in water environments," said David Evers, the institute's executive director. "We don't know exactly why and how mercury gets from the air into these birds, but we plan to find out."

Sens. Olympia Snowe and Susan Collins, both R-Maine, joined 27 other senators this month in calling on EPA to toughen its mercury rule, based on criticism from the General Accountability Office and the EPA's inspector general's office.

Industry lobbyists expect lawsuits against the mercury rule, whatever it states. Scott Segal, director of the industry advocacy group Electric Reliability Coordinating Council, warned that costs of reducing mercury could be high.

"Simply put, there is no mercury control technology that exists today that can achieve the reduction levels proposed in the mercury rule," he said.

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